

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Adjourned Meeting
February 23, 2000

6:00 p.m.

Meeting Convened. An Adjourned Meeting of the York County Board of Supervisors was called to order at 6:08 p.m., Wednesday, February 23, 2000, in the Board Room, York County Finance Building, by Vice Chairman James S. Burgett.

Attendance. The following members of the Board of Supervisors were present: Sheila S. Noll, Donald E. Wiggins, and James S. Burgett.

Walter C. Zaremba and Melanie L. Rapp were absent.

Also in attendance were Daniel M. Stuck, County Administrator; and James E. Barnett, County Attorney.

WORK SESSION

PARLIAMENTARY PROCEDURES

Mr. Jack Edwards, former Chairman of the James City County Board of Supervisors, spoke to the Board about Parliamentary Procedures, suggesting certain actions to facilitate the conduct of the Board's meetings in a smooth manner. He stated that rather than talk about the actual rules, he would like to talk about the process and then work some of the rules into the process where needed. Mr. Edwards stated the policy process involves:

- Input from the public
- Professional recommendations from staff
- Good deliberations on the part of the Board

The system will not work unless all three ingredients are present, and he stated the third part is the main point of discussion this evening. The three parts should never be mixed up—nothing gets done when everyone is involved or engaged in conversation at the same time. The Board's deliberation process should consist of:

- One conversation in the room—no separate conversations going on in the audience or by staff or Board. The Chairman needs to make sure that this does not happen.
- The conversation needs to be public, accessible to everyone. The person speaking needs to be at a microphone if necessary.
- The conversation the Board has needs to be rational, one that isn't packed with emotion.
- The conversation needs to move effectively and expeditiously toward a conclusion—long, drawn out conversation causes annoyance.

Miss Rapp arrived at 6:18 p.m.

Mr. Edwards indicated that in order to make the above work, the following must take place:

- The Chairman must direct the conversational traffic—to some extent the Chairman loses his or her right to do what he or she wants at the time because they must be the traffic cop. No one should be allowed to tie up the conversation or bog it down with things other than the issue at hand.
- The Chairman must be supported—a Chairman who appears not to have the support of the Board is viewed in a weakened position.

- The Board must be a group of people who respect each other's rights—it doesn't mean there must be agreement. There cannot be private conversations or interruptions when others are speaking. Each Board member has a duty to help others participate. This is the critical element.

Mr. Burgett asked Mr. Edwards to define what he meant by “respect.”

Mr. Edwards stated part of it is showing respect superficially as a matter of courtesy. It is respect for others' rights to express their opinions without having to tolerate negative body language from the other members. In a positive way the individual Board members make an investment in each other that pays off in their relationship as a board.

Miss Rapp stated she felt an important element of respect is open-mindedness.

Mrs. Noll indicated an important element for her is having all the facts on an issue and that information being shared with all the members. She stated she sees respect as common courtesy.

Mr. Edwards then addressed the Board of Supervisors' Rules of Procedure, which he stated in some instances is a much better restatement of Robert's Rules. He explained that Robert's Rules are intended for much larger organizations. Small groups can be afforded more flexibility, where flexibility in larger groups could be chaotic. He stated that Robert's Rules has a section on boards and committees directed toward groups of fewer than 12. It provides more flexible rules, such as a motion does not need to have a second; it permits some discussion without a motion being on the floor; and the Chairman may make motions and vote.

Chairman Zaremba arrived at 6:37 p.m.

Mr. Edwards stated what is needed is a group of people who understand each other and respect each other so they do not need the inflexibility of a lot of rules. He then explained the rule of unanimous consent. He stated if unanimous consent is used judiciously, it works well; but there must be a large amount of respect for each other.

Chairman Zaremba asked if unanimous consent was required or did the Chairman have the authority to take procedural action without unanimous consent.

Mr. Stuck indicated the Board's Rules of Procedure allow the Chairman to take certain actions.

Chairman Zaremba noted that the wise Chairman would probably seek unanimous consent.

Mr. Edwards indicated if the other members felt the Chairman took independent action too frequently, problems may arise. He stated he would seek unanimous consent; there shouldn't be a lot of objection as long as the Board members feel they are being treated fairly.

Discussion followed on the double duty of the Chairman to keep order within the meeting as well as hearing the issues being discussed at the same time, at which time Mr. Edwards emphasized his position that the Board members must support the Chairman in procedural matters.

Mr. Edwards also recommended that if things at a meeting were to get out of hand, the call for a recess would be in order to give the Board time to regroup. He then spoke of how once the Board has had an opportunity to have several meetings together and learn to respect each other, the actions will become automatic.

Chairman Zaremba stated after four years on the Board he was never sure how much formality was appropriate for a public meeting, which is one of the reasons he asked for this meeting.

Mr. Edwards stated he felt that as the public watches the Board meetings, much of what they are interested in is “are these five reasonable people who respect each other, and are they getting along.” Board members get in trouble when they don't appear to respect each other. If respect is present in the deliberations, Board members don't have to worry so much about the rules. Mr. Edwards then addressed ways of each Board member being given the opportunity to speak on a particular issue, and he indicated he did not personally like for the Chair to call on each member for his or her opinion. He stated some people like to hear all the conversations before speaking their mind; some members might not have a comment on a particular issue and would not want to appear uncaring or unknowledgeable by being called upon.

Chairman Zaremba asked how to make sure a member doesn't lose an opportunity to speak.

Mr. Edwards stated the Chairman has to make sure things don't happen so fast that adequate time is not given to an issue.

Discussion followed concerning the Board's policy of allowing only York County residents, property owners, and business owners to speak before the Board without the permission of the Chair, and it was Mr. Edwards' opinion that because the time spent listening to non-residents speak was so small, it was not worth the negative impact it could cause to regional cooperation.

TELEVISIONING WORK SESSIONS

Mr. Stuck indicated the County currently televises the Board's two regular meetings each month, but the work sessions are not televised. The only localities known to televise their work sessions are James City County and the City of Chesapeake. He asked Mr. Edwards to provide the Board with his input concerning the success of televising the James City County Board of Supervisors work sessions.

Mr. Edwards indicated he was a skeptic when James City first started televising its work sessions, but he stated it did not affect the Board as much as he thought it would. He stated he feels it is a good idea, that some of the most interesting things accomplished by the Board are done in work sessions.

Mr. Stuck noted that James City County Administrator Sandy Wanner indicated they have a two-hour time limit for work sessions, and they try to adhere to it.

Mr. Edwards stated that on occasion the Board went over the time limit and occasionally they would consider an action item, but only when absolutely necessary.

Mrs. Noll asked Mr. Edwards how the actions of the Board differed at a work session from a Regular Meeting. She stated York work sessions primarily were for the Board to listen and receive input from staff, and the Board then discusses the issue. She stated she felt that talking to a camera seems restrictive and makes for a more formal meeting.

Mr. Edwards noted his agreement that the Board needs to have work sessions to learn about the issues, which is why he was against considering action items in work sessions. He stated he didn't find the television cameras to have any effect on the meeting, but it did help educate the people in the community.

Discussion followed as to how often the James City County Board of Supervisors met and the formality or informality of the meetings. A brief discussion also ensued concerning the incapability of the cable company to broadcast the meetings of the three historic triangle jurisdictions so that they can be seen by all the residents.

Meeting Recessed. At 7:55 p.m. Chairman Zaremba declared a recess.

Meeting Reconvened. At 8:05 p.m. the meeting was reconvened in open session by order of the Chair.

Mr. Stuck indicated a survey of 11 jurisdictions in Hampton Roads was done concerning the televising of governing body meetings. All except Norfolk broadcast their regular meetings. Only James City County and Chesapeake have coverage of work sessions. There are three jurisdictions which have occasional coverage of hot topics. Mr. Stuck stated the East Room of York Hall is wired and cabled for the television cameras. Two meetings could not be broadcast at one time; if meetings were to take place in both the Board Room and the East Room at the same time, only one could be broadcast live. The other would have to be taped and shown later. He indicated the cost of equipping the East Room for television broadcasts would be between \$40,000 and \$50,000. He stated the staff time would be minor; only about \$110 per meeting. Mr. Stuck then addressed the timeframe in which the equipment could be operational, indicating it would probably be August if the Board were to make the decision to move forward tonight.

He stated he had also talked with the James City County Administrator, Sandy Wanner, regarding concerns about the loss of informality and inhibitions on the part of the Board members about having work sessions televised. Mr. Wanner indicated he did not feel the James City County Board of Supervisors was affected by it. Their work sessions last approximately two hours, from 4:00 p.m. to 6:00 p.m., and they dress informally. He stated that Mr. Wanner's comments mirrored those of Mr. Edwards.

Mrs. Noll suggested if televising in the East Room becomes available that the Board not begin televising its work sessions until September after the public is back from summer vacations.

Mr. Wiggins questioned why the Board didn't have its work sessions in the Board Room.

Mrs. Noll indicated that a more informal setting allows for the free exchange back and forth of conversation, and people are less inhibited than when they are sitting in a row trying to carry on a conversation.

Miss Rapp noted that the informality of the work sessions shows the public that those meetings are different from the Regular Meetings. The work sessions are primarily for the Board to learn about and discuss the issues rather than making decisions on the issues.

Mr. Burgett indicated he liked the meetings being different from each other. When the Board is in session behind the dais, the Board is making policy and legislating. He also stated he concurred with setting the East Room up for broadcasting.

Miss Rapp stated she felt it was a good idea to move in the direction of televising work sessions. She also indicated she would support setting a time limit for the meetings, stating she liked the idea of a two-hour limit. Miss Rapp also stated she liked the idea of scheduling one work session a month and the fact that the sessions being televised allow the citizens the freedom of staying at home to watch.

By consensus the Board directed staff to proceed with the purchase of necessary equipment for outfitting the East Room for television broadcasts, such funding to come from the Contingency Reserve.

Mr. William Parker, Public Information Officer, reminded the Board that its meetings are held during prime television time. He suggested that if the Board wanted to keep its audience, it needed to pay attention to keeping the topics on track and not dragging them out.

Mr. Burgett and Miss Rapp noted their agreement.

UPCOMING JOINT MEETING WITH THE INDUSTRIAL DEVELOPMENT AUTHORITY (IDA) (Not on the Agenda)

Mr. Stuck asked the Board to indicate the topics of discussion it wished to include on the agenda for the upcoming joint meeting with the IDA.

Mrs. Noll indicated that after an introduction of the new Board members to the members of the IDA she would like to talk about the Board's goals with regard to the IDA and find out what the IDA's goals are.

Mr. Wiggins stated he has some issues that he would pass on to Mr. Stuck before the meeting. He stated he did not want the meeting to be a dinner social.

Mrs. Noll stated the rest of the Board members would appreciate Mr. Wiggins' sharing his ideas with them.

Miss Rapp asked that Mr. Wiggins email the Board members with his topics.

Mr. Burgett stated he would like to discuss the importance the Board has placed on economic development because they are coming up with priorities, and it will take the Board to make the decision as to where York County really wants to go.

Mr. Stuck indicated the Board had discussed during its retreat earlier in the month the need to define balanced economic development. He stated he had let Jim Noel know this would be one of the goals of the April 15 retreat, and also told him he would find out what the Board was after in terms of economic development. Mr. Stuck stated he also suggested that Mr. Noel slow down the strategic planning committee so that a plan is not developed that turns out to be contrary to what the Board of Supervisors wants.

Chairman Zaremba indicated the agenda should include something on the IDA budget request and give them a hint as to what is being recommended for them. He stated he would also like an update on the strategic study. He asked that staff contact the IDA to see what they would like to discuss and put the topics together in a draft agenda.

MISCELLANEOUS TOPICS OF DISCUSSION (Not on Agenda)

Mr. Stuck advised the Board of the following:

Proposed Retreat with James City County: The James City County Board of Supervisors is interested in having a breakfast meeting with the York County Board, and he asked the Board members to provide Mrs. Simmons with dates to avoid in April.

Taxation of Recreational Vehicles and Boats: Correspondence has been received concerning tax rates for recreational vehicles and boats in York County, and the Board has been provided with some information on the correspondence along with a memorandum from the Commissioner of the Revenue. The State Code allows the Board of Supervisors to set rates for different types of personal property, and none of the rates can exceed the general rate set for automobiles. When asked by Mr. Stuck how the Board wished him to respond to the corresponding citizens, the Chairman advised him to respond by indicating the current rates and policies stand.

Fencing Dispute with Yorktown Property Owners Adjacent to York Hall: The Board was provided with information concerning the dismantling of a fence between the old jail and some adjacent houses because of the construction of the new parking lot. He indicated staff had made a decision to remove the old fence and replace it with heavy landscaping, and three of the residents had petitioned the Board to replace the old fence with a new one as was shown on the original plans. After discussion regarding the County's change of plans from a fence to heavy landscaping, the Board decided to table the matter until having an opportunity to look at the property themselves.

Ground Rules for Conduct and Interaction: Distributed to the Board were copies of a set of ground rules that were discussed at the Board's retreat held February 4 and 5 which the staff was asked to draft. The Board was asked to advise staff as to any further action they wished to take on this matter.

CLOSED MEETING. At 9:00 p.m. Mr. Burgett moved that the Board convene in Closed Meeting pursuant to Section 2.1-344(a)(1) of the Code of Virginia regarding the performance of a County employee.

On roll call the vote was:

Yea: (5) Noll, Wiggins, Burgett, Rapp, Zaremba
Nay: (0)

Meeting Reconvened. At 9:21 p.m., the meeting was reconvened in open session by order of the Chair.

Mrs. Noll moved the adoption of proposed Resolution SR-1 that reads:

A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREEDOM
OF INFORMATION ACT REGARDING MEETING IN CLOSED
SESSION

February 23, 2000

WHEREAS, the York County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the York County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 23rd day of February, 2000, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the York County Board of Supervisors.

On roll call the vote was:

Yea: (5) Wiggins, Burgett, Rapp, Noll, Zaremba
Nay: (0)

Meeting Adjourned. At 9:22 p.m. Chairman Zaremba declared the meeting adjourned sine die.

Daniel M. Stuck, Clerk
York County Board of Supervisors

Walter C. Zaremba, Chairman
York County Board of Supervisors